THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25843 OF 2005

Dated: 02-12-2005

Between

Dasi Rakshana, S/o. Babu Rao, Occ: F.P.Shop Dealer, Shop No.44, Cherukuru Village, Parchur Mandal, Prakasam District.

...PETITIONER

AND

The Joint Collector, Prakasam District at Ongole and others.

...RESPONDENTS

ORDER:

Petitioner belongs to Scheduled Caste and he has been appointed as fair shop dealer in the year 2004 in respect of Shop No.44, Cherukuru Village, Parchur Mandal, Prakasam District. He has been distributing the essential commodities without any complaints whatsoever. It is submitted that one Mariyamma working as village servant with an intention to get her relation appointed as dealer of the said shop has been persuading the third respondent – Mandal Revenue Officer, to comply the said intention. The third respondent inspected the fair price shop of the petitioner on 04.06.2004 along with some others and verified the stocks and prepared a panchanama with incorrect details stating that there are huge variations between stock book balance and the ground balances. The third respondent compelled the petitioner to resign from his dealership threatening to levy false allegations against him and forcibly made the petitioner to write and sign the resignation letter. Thereafter, the third respondent addressed a letter to the Station House Officer alleging that when the village servant went to the house of the petitioner, he threatened her and abused her while she was legitimately discharging her duties.

Petitioner submits that the third respondent forcibly made him write the said resignation letter and he was not at all present in the house when the village servant came to his house. His wife alone accompanied by the village servant appeared before the third respondent and he has no involvement in the said incident.

The petitioner approached the second respondent – Revenue Divisional Officer, requesting him not to accept the said resignation letter.

But the second respondent by proceedings dated 22.11.2005 rejected the said request of the petitioner on the ground that nobody compelled the petitioner to resign from his dealership and also issued notification calling for applications for permanent dealership in respect of the said shop. Aggrieved by the same the petitioner filed an appeal before the Joint Collector along with stay application seeking stay of the order of the second respondent dated 22.11.2005, which is pending.

Admittedly, the village servant did not file any complaint and it is only the third respondent, who narrated everything before the police. The police have not registered any case and the respondents have not initiated any disciplinary action. However, it is not known when the resignation letter was accepted and before the acceptance of the resignation letter the petitioner has every right to withdraw his resignation. The proceedings of the second respondent do not disclose any particulars about the resignation letter and the orders passed accepting the resignation letter.

Having regard to the facts and circumstances of the case and as the appeal filed by the petitioner is pending before the Joint Collector, the notification dated 22.11.2005 is stayed pending disposal of the appeal before the Joint Collector.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 2, 2005

DSK